

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RICHARD IDEN,

4 Plaintiff

Case No. 3:20-cv-00108-RFB-CLB

ORDER

5 v.

6 ELY STATE PRISON, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has filed a notice of emergency complaint. (ECF No. 1-1). Plaintiff has not
12 filed a complaint or an application to proceed *in forma pauperis* in this matter.

13 Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a
14 complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff forty-five
15 (45) days from the date of this order to submit a complaint to this Court.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
17 application to proceed *in forma pauperis* and attach both an inmate account statement
18 for the past six months and a properly executed financial certificate. Plaintiff will be
19 granted an opportunity to file an application to proceed *in forma pauperis*, or in the
20 alternative, pay the full filing fee for this action within forty-five (45) days from the date of
21 this order. If Plaintiff chooses to file an application to proceed *in forma pauperis*, he must
22 file a fully complete application to proceed *in forma pauperis*, including an inmate account
23 statement for the past six months and a properly executed financial certificate.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
26 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
27 as the document entitled information and instructions for filing an *in forma pauperis*
28 application.

1 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this
2 order, Plaintiff must either: (1) file a fully complete application to proceed *in forma*
3 *pauperis*, on the correct form with complete financial attachments, including an inmate
4 account statement for the past six months and a properly executed financial certificate, in
5 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
6 (which includes the \$350 filing fee and the \$50 administrative fee).

7 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
8 **forty-five (45) days** from the date of this order.

9 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
10 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
11 Clerk of the Court will also send Plaintiff a copy of his notice of emergency complaint.
12 (ECF No. 1-1).

13 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
14 dismissal of this action may result.

15 DATED: February 21, 2020.

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17 UNITED STATES MAGISTRATE JUDGE
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